

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:09cv362**

PAMELA DIANE JONES,

Plaintiff,

vs.

**MICHAEL ASTRUE,
Commissioner of Social Security**

Defendant.

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ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 14], the Defendant's Motion for Judgment on the Pleadings [Doc. 25], the Plaintiff's Motion and Supplemental Motion to Receive New and Material Evidence [Docs. 16 & 22], Defendant's Motion to Strike Plaintiff's Memorandum of Argument [Doc. 20], and the Magistrate Judge's Memorandum and Recommendation [Doc. 30] regarding the disposition of those motions.

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the district court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider these pending motions in the above-

captioned civil action and to submit to this Court a recommendation for the disposition of these motions.

On October 1, 2010, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 30] in this case containing proposed conclusions of law in support of a recommendation regarding the motions [Docs. 14, 16, 20, 22 & 25]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

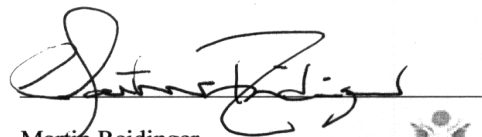
After a careful review of the Magistrate Judge's Recommendation [Doc. 30], the Court finds that the proposed conclusions of law are consistent with current case law. The Court hereby corrects a scrivener's error [Doc.30 at 1] therein identifying the Motion to Strike [Doc. 20] as Plaintiff's when it is Defendant's. With that correction, the Court hereby **ACCEPTS** the Magistrate Judge's Recommendation that the Defendant's Motions [Docs. 20 & 25] be **DENIED**, that the Plaintiff's Motions [Docs. 14, 16 & 22] be **DENIED**, and that the case be **REMANDED** pursuant to instructions in the Recommendation.

IT IS, THEREFORE, ORDERED that pursuant to Sentence Four of 42 USC 405(g), this matter is **REMANDED** in accordance with remand instructions in the Memorandum and Recommendation, and the following are **DENIED**:

1. Plaintiff's Motion for Summary Judgment [Doc. 14]
2. Defendant's Motion for Judgment on the Pleadings [Doc. 25]
3. Plaintiff's Motion and Supplemental Motion to Receive New and Material Evidence [Docs. 16 & 22]
4. Defendant's Motion to Strike Plaintiff's Memorandum of Argument [Doc. 20]

IT IS SO ORDERED.

Signed: October 20, 2010

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
United States District Judge

